

### REMARKS

Claims 1-13 are pending in this application. Claims 1, 6, and 12 are independent. In light of the amendments and remarks made herein, Applicants respectfully request reconsideration and withdrawal of the outstanding rejections.

By this amendment, Applicants have amended the claims to more appropriately recite the claimed invention. It is respectfully submitted that these amendments are being made without conceding the propriety of the Examiner's rejections, but merely to timely advance prosecution of the present application.

In the outstanding Official Action, the Examiner rejected claims 1-13 under 35 U.S.C. §103(a) as being unpatentable over Sogabe (USP 7,176,964) in view of Umeyama (U.S. Patent Application Publication No. 2002/0057473). Applicants respectfully traverse this rejection.

#### **Rejection under 35 U.S.C. §103**

In support of her rejection of claim 1, the Examiner asserts that Sogabe discloses all of the claim elements, except the apparatus being a mobile telephone. The Examiner relies on the teachings of Umeyama to cure the deficiencies of the teachings of Sogabe. Applicants respectfully disagree that the teachings of the cited references are sufficient to render the pending claims unpatentable.

In their last response, Applicants presented arguments that the cited references failed to teach or suggest all of the claim elements, including an image data playback unit **for operating while the continuous photographing function is set** by continuously and simultaneously displaying on said display unit the plurality of said original image data stored in said first image data storage unit until input from a user is received.

In response to this argument, the Examiner asserts that the claim language does not require an image data playback mode to operating in either a capture mode or a reproduction mode.

As previously noted on the record, the disclosure of Sogabe is directed to an electronic still camera having a continuous pickup mode and a display unit for displaying a frame image in a display manner specialized in the pickup mode in which the frame image is generated (Abstract). The disclosure above regarding Fig. 5 clearly recites the situation where the camera is in **a reproduction mode via switch 53**, not in an image pickup mode (or the continuous pickup mode). Sogabe discloses that the display of Fig. 2B or 2D may display a plurality of images that were captured during the continuous pickup mode. However, Sogabe clearly discloses that these displays are made during **the reproduction mode**.

In contrast, by this amendment, Applicants have amended claim 1 to recite, *inter alia*, an image data playback unit for operating in an image capture mode while the continuous photographing function is set by continuously and simultaneously displaying on said display unit the plurality of said original image data stored in said first image data storage unit until input from a user is received. As such, claim 1 clearly requires the playback unit to operate in an image capture mode

As such, when considering a proper interpretation of Sogabe, Sogabe fails to teach or suggest an image data playback unit for operating in an image capture mode while the continuous photographing function is set by continuously and simultaneously displaying on said display unit the plurality of said original image data stored in said first image data storage unit until input from a user is received. As Umeyama fails to cure the deficiencies of the teachings of Sogabe, Applicants maintain that claim 1 is patentable over the references as cited. It is respectfully requested that the outstanding rejection be withdrawn.

It is respectfully submitted that claims 2-5 and 8-10 are allowable for the reasons set forth above with regard to claim 1 at least based on their dependency on allowable claim 1. It is further respectfully submitted that claims 6 and 12 similarly recite the claim elements discussed above with regard to claim 1, claims 6 and 12, together with claims dependent thereon, are patentable over the references as cited.

### **Conclusion**

In view of the above amendment and remarks, Applicants believe the pending application is in condition for allowance.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Catherine M. Voisinnet Reg. No. 52,327 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

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Respectfully submitted,

By 

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